

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

FILED IN OPEN COURT
 ON 7/7/2010
 Dennis P. Iavarone, Clerk
 US District Court
 Eastern District of NC

United States of America

v.

JOSEPH MCCOY POWELL

Date of Previous Judgment: September 29, 1993
 (Use Date of Last Amended Judgment if Applicable)

)
) Case No: 2:93-CR-4-1BO
) USM No: 14322-056
) Defendant's Attorney Robert L. Cooper

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and the court having considered such motion,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 365 months is reduced to 293 months.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)Previous Offense Level: 36Amended Offense Level: 34Criminal History Category: VCriminal History Category: VPrevious Guideline Range: 292 to 365 monthsAmended Guideline Range: 235 to 293 months**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

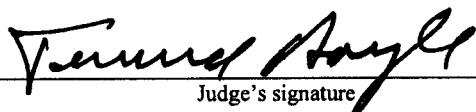
The reduced sentence is within the amended guideline range.
 The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
 Other (explain):

III. ADDITIONAL COMMENTS

The sentence of 60 months consecutive in Count 2, and 120 months concurrent in Count 3 remains unchanged.

Except as provided above, all provisions of the judgment dated September 29, 1993, shall remain in effect.

IT IS SO ORDERED.

Order Date: 7-7-10


Judge's signature

Effective Date: _____
 (if different from order date)

Terrence W. Boyle, United States District Judge
 Printed name and title